

REMARKS

Claims 1-23 are pending. Applicants elect with traverse Group IV (claims 13-16) and (A) SEQ ID NO: 2 for examination on the merits. Applicants reserve the right to prosecute non-elected subject matter in a further patent application.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. Therefore, the pending claims should be examined in the same application; claims 1-12 and 17-23 should not be withdrawn from consideration.

Moreover, Applicants disagree with the allegation in the Action that (A)-(C) the amino acid sequences of SEQ ID NO: 2, SEQ ID NO: 16, and SEQ ID NO: 17 have different structures. Claims 13-16 are generic for the three amino acid sequences. The polypeptides are related in structure and function. For example, page 51 of the specification describes their structural relatedness,

“the human G9 enzyme protein of the present invention can be composed of preferably an amino acid sequence described in SEQ ID NO: 16 (amino acid sequence from amino acid No. 26 to the C terminus in SEQ ID NO: 2), more preferably an amino acid sequence described in SEQ ID NO: 17 (amino acid sequence from amino acid No. 33 to the C terminus in SEQ ID NO: 2).”

The polypeptides share a common C-terminal amino acid sequence. Thus, they are related in structure. The enzymatic activity of β 1,3-N-acetyl-D-glucosaminyltransferases is also the subject of this patent application. The full-length enzyme and polypeptides containing the enzyme's active domain are related in function. Therefore, claims 13-16 are so linked as to form a single general inventive concept under PCT Rule 13.1. For this reason, Applicants submit that the amino acid sequences of (A) SEQ ID NO: 2, (B) SEQ ID NO: 16, and (C) SEQ ID NO: 17 should be examined in this application.

Furthermore, although the different amino acid sequences listed by the Examiner as (A)-(C) are patentably distinct, it would not constitute a serious burden for more than one amino acid sequence to be examined in this application because M.P.E.P. § 803.4 refers to the sua sponte waiver of 37 CFR 1.141 et seq. and states that “up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction.”

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Finally, claims 13-16 are generic or linking claims. In accordance with M.P.E.P. § 809, examination should include a reasonable number of species. Applicants submit that the three amino acid sequences are a reasonable number of species.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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